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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,284	05/14/2007	Makoto Kosugi	90606.789/ku	9410
54071	7590	02/17/2011		
YAMAHA C/O KEATING & BENNETT, LLP 1800 Alexander Bell Drive SUITE 200 Reston, VA 20191			EXAMINER HOLMES, JUSTIN	
			ART UNIT 3655	PAPER NUMBER
			NOTIFICATION DATE 02/17/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/591,284	<b>Applicant(s)</b> KOSUGI ET AL.	
	<b>Examiner</b> JUSTIN HOLMES	<b>Art Unit</b> 3655	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The Examiner acknowledges receipt of the Amendment filed on December 23, 2010. Claims 1-13 have been cancelled. New claims 14-25 have been added. Claims 14-25 are currently pending.

#### ***Drawings***

2. The drawings were received on December 23, 2010. These drawings are acceptable.

3. The objection to the drawings as set forth in the Office Action dated September 28, 2010 is withdrawn in view of the replacement drawings.

#### ***Specification***

4. The disclosure is objected to because of the following informalities: In the brief description of the drawings in paragraph 0022 only Fig. 5 is referenced and not Figs. 5A and 5B.

Appropriate correction is required.

5. The amendments to the specification as set forth in the Amendment filed on December 23, 2010 have been entered.

#### ***Terminal Disclaimer***

6. The terminal disclaimer filed on December 23, 2010 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Application No. 10/591,559 has been reviewed and is accepted. The terminal disclaimer has been recorded.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 14-22, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,299,652 to Bevins in view of U.S. Patent No. 5,517,876 to Genise et al.

Regarding claims 14, 22, 24 and 25, as best understood by the Examiner, the Bevins patent teaches a straddle vehicle having an actuation force transmission mechanism 12 disposed outside of the engine case which shows a coupling rod 35 that pushes against a lever 13 to shift a straddle-type vehicle, the shift control device performing shift control in which a shift actuator is stroked by a predetermined amount to rotate a shift shaft 15. See Figs. 1 and 2 and column 2, lines 44-61.

However, the Bevins patent lacks a teaching of a two piece coupling part.

The Genise et al. patent teaches an actuation force transmission mechanism for a shift control device in a vehicle having first 90 and second 76 coupling parts coupled together and arranged to provide a relative movement therebetween in a linear direction, the first coupling part arranged to be coupled to the shift actuator 58, and the second coupling part arranged to be coupled to the shift shaft 54; a biasing mechanism 82a, 82b arranged to urge the first and second coupling parts toward a neutral position; and a stopper mechanism 104a, 104b, 106a, 106b arranged to stop the relative

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movement between the first and second coupling parts 90, 76 when the one of the first and second coupling parts is moved from the neutral position against an urging force of the biasing mechanism; wherein the actuation force transmission mechanism is arranged such that, when a resistive force acts linearly against the movement of the actuation force transmission mechanism, the first coupling part moves relative to the second coupling part against the urging force of the biasing mechanism until the first coupling part is stopped by the stopper mechanism, and in response to a continuing resistive force, the first and second coupling parts move together when the first coupling part is stopped by the stopper mechanism. See Fig. 6. Also see column 7, lines 3-30 and Fig. 4 where it is stated that when first coupling part 56a contacts part 62a that is pressing against resilient member 60a that when the part 62 hits part 52a the second coupling part 54 then moves to the right and moves with the first coupling part. This arrangement is interpreted as being a stopper mechanism. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the embodiment in Fig. 6 to have the parts move together when the first coupling part is stopped by the stopper as taught in the embodiment shown in Fig. 4 in order to provide a solid connection for transfer of power.

It would have been obvious to one having ordinary skill in the art to modify the coupling rod 35 of the Bevins patent to include the actuation force transmission mechanism disposed along an intermediate portion of the coupling rod as taught by the Genise et al. patent in order to provide a shift device that smoothly shifts gears. See column 2, lines 40-43 of the Genise et al. patent.

Regarding claim 15, the first coupling part 90 includes a cylindrical member 90, 83a and 83b. The term cylindrical member as broadly recited in the claims is interpreted as including parts 90, 83a and 83b since all the members contact each other to form the first coupling part that interacts with the second coupling part that includes a rod, the center portion of part 76 that passes through part 90, the cylindrical member including a cavity arranged to receive at least a portion of the rod therein. See Fig. 6 of the Genise et al. patent.

Regarding claim 16, the biasing mechanism includes a coil spring 82a, the coil spring is arranged intermediate of the rod and the cylindrical member and to provide the urging force in the linear direction between the rod and the cylindrical member. The term intermediate as broadly recited in the claims is interpreted as meaning that the coil spring 82a is positioned between the rod 76 that includes portions 78a and the cylindrical member 90. See Fig. 6 of the Genise et al. patent.

Regarding claim 17, the rod 76 includes portions having different diameters including a large diameter portion 78a arranged to contact an end of the coil spring 82. See Fig. 6 of the Genise et al. patent.

Regarding claim 18, the cylindrical member includes a step 104a on an inner surface thereof, and the step defines a portion of the stopper mechanism. The part 83a is considered part of the cylindrical member in that it interacts with the cylindrical member 90 and contacts it at an end portion 80a. The step 104a is on an inner surface since the inner surface of part 83 contacts rod 76. See Fig. 6 of the Genise et al. patent.

Regarding claim 19, the cylindrical member 90, 83a and 83b includes a plurality of member 90, 83a, 83b including inner and outer surfaces. See Fig. 6 of the Genise et al. patent.

Regarding claim 20, the cylindrical member includes a plurality of cylindrical segments. Each part 90, 83a and 83b is a segment of the cylindrical member. See Fig. 6 of the Genise et al. patent.

Regarding claim 21, the first and second coupling parts include distal ends 104a and 102a, respectively, and the first and second coupling parts are arranged such that the distal ends thereof overlap each other in the linear direction. See Fig. 6 of the Genise et al. patent.

9. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,299,652 to Bevins in view of U.S. Patent No. 5,517,876 to Genise et al. and in view of U.S. Patent No. 4,989,884 to Goodman.

The device of the Bevins and Genise et al. patents lack a teaching that the actuation force transmission mechanism has a case housing.

The Goodman patent teaches a case housing 20 positioned around a rod and cylinder arrangement that is held by the rod 12. See Fig. 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of the Bevins and Genise et al. patents to include the case housing as taught by the Goodman patent in order to prevent particles and liquids from entering between the junction of the rod and cylinder arrangement for increased service life. See column 2, lines 43-46 of the Goodman patent.

***Response to Arguments***

10. Applicant's argument with respect to claim 14 has been considered but is moot in view of the new ground(s) of rejection.

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUSTIN HOLMES whose telephone number is (571)272-3448. The examiner can normally be reached on 9:00am to 5:30pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David D. Le can be reached on 571-272-7092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JUSTIN HOLMES/  
Examiner, Art Unit 3655